

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PARNELL EDWARDS,

Plaintiff,

v.

HAROLD CLARK, *et al.*,

Defendants.

Case No. C06-5128RJB

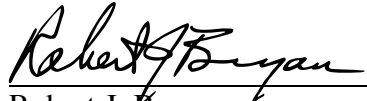
ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND  
DISMISSING CASE

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation. Petitioner's letter to the court, filed November 6, 2006, does not address the merits of defendants' motion for summary judgment. *See* Dkt. 64. The letter discusses an infraction plaintiff received for refusing a cell assignment and a disciplinary proceeding held as a result of the infraction. This infraction and the resultant disciplinary proceeding are not part of the original complaint in this matter. Plaintiff's choice to refuse a cell assignment rather than follow the institution's grievance procedure does not provide grounds for relieving him of the statutory requirement to complete the grievance procedure before filing a civil rights action.
- (2) Defendants' motion for summary judgment (Doc. 28) is **GRANTED**.
- (3) Plaintiff's causes of action are **DISMISSED**.
- (4) Plaintiff's pending motions are **DENIED** as moot.

1 The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to the  
2 Hon. J. Kelley Arnold.

3 DATED this 27<sup>th</sup> day of November, 2006.

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5 Robert J. Bryan  
6 United States District Judge  
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